

**Attachment 9**

Kathleen Sternenberg

GAL Fees

*Ausiaikova v. Meckel*, No. 659-2018-DM-00414

THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
CIRCUIT COURT

RECEIVED  
9TH CIRCUIT COURT  
9TH CIRCUIT NASHUA

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9<sup>th</sup> CIRCUIT-FAMILY DIVISION-NASHUA

CASE NUMBER: 659-2018-DM-00414

IN THE MATTER OF KSENIYA AUSIAIKOVA AND BRIAN MECKEL

MOTION FOR INSTRUCTION

NOW COMES the court-appointed Guardian ad Litem, Kathleen A. Sternenberg, Esq., of the Law Office of Kathleen A. Sternenberg, P.O. Box 2288, Concord, NH 03302-2288, and she respectfully seeks instruction regarding her appointment and in support thereof states as follows:

1. The court appointed the Guardian ad Litem on 12/13/2018.
2. The Guardian ad Litem sent a letter, stipulation and questionnaires and release forms to counsel with copies to the parties on 12/27/2018.
3. On 1/2/2019, the Guardian ad Litem received various pleadings and documentation from Attorney Robinson, along with a signed Stipulation, signed releases, and a retainer check.
4. On 1/10/2019, the Guardian ad Litem received Kseniya Ausiaikova's completed Guardian ad Litem Questionnaire.
5. On 1/4/2019, Attorney Rauseo sent correspondence asking to change the Guardian ad Litem's Stipulation. Attorney Rauseo stated that Mr. Meckel would not agree to support a reasonable request to exceed the fee cap in this matter and he would not agree to counseling for the children and/or family counseling. Attorney Rauseo asked the Guardian ad Litem to strike these provisions from her Stipulation.
6. The GAL wrote to Attorney Rauseo on 1/4/2019 to inform him that she anticipated, given the subjects for investigation (11 issues including relocation), that if a report is written and if she had to testify, she may exceed the fee cap.
7. The GAL further explained that she was asked by the court to make recommendations about counseling for the child(ren). She agreed to strike family counseling from the stipulation, although she believed that it was covered by the court asking her to investigate other issues which the GAL deems relevant based on the investigation. Often, parents need to address their inability to communicate or co-parent. The GAL sent an

amended stipulation striking the language about family counseling or mediation.

8. Attorney Rauseo wrote on 1/15/2019 that he and his client will not agree to the language of the GAL's stipulation, "If it is reasonably required to complete her investigation, report and appearance at a hearing thereon, the parties will not oppose a motion filed by the GAL to exceed the fee cap."
  9. On the same date, Attorney Robinson informed the GAL and Attorney Rauseo that her client was willing to bear the cost of any monies which would exceed the cap of \$3,000 if the parties were equally responsible for the initial retainer of \$3,000.
  10. Attorney Rauseo replied, on 1/28/2019 that his client will not agree to this provision and stated that the Guardian ad Litem is "no longer impartial" because of her requested language and suggested that the GAL decline the appointment.
  11. The matter is scheduled for a three hour hearing on March 7, 2019.
  12. The Guardian ad Litem has been unable to proceed with her investigation because Brian Meckel has not returned the necessary paperwork or retainer and now refuses to sign the Guardian ad Litem's usual and customary stipulation.
- WHEREFORE**, the Guardian ad Litem requests that this Court:
- A. Instruct the parties as to cooperate fully with the Guardian ad Litem and to provide necessary information and retainers within a time specified; and
  - B. Continue the final hearing for at least 60 days to allow the GAL to complete her investigation; or
  - C. Dismiss the Guardian ad Litem and order that her fees to date be paid by the parties;
  - D. Make such other orders as are fair and just.

Respectfully submitted,



Kathleen A. Sternenberg, Esq., NH Bar #8840  
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[kas@sternenberglaw.com](mailto:kas@sternenberglaw.com)

Date: 2/4/2019

Certificate of Service

I, Kathleen A. Sternenberg, do hereby certify that on this date, 2/4/2019, I have mailed, postage pre-paid, a copy of this pleading to counsel of record:

Lyndsay N. Robinson, Esq.  
Wolfson & Bernazzani, PLLC  
30 Temple Street, Suite 515  
Nashua, NH 03060

Kevin P. Rauseo, Esq.  
Hamblett & Kerrigan, P.A.  
20 Trafalgar Square, Suite 505  
Nashua, NH 03063

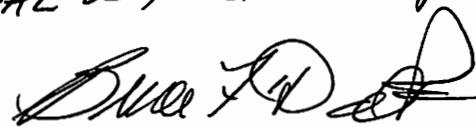
Kathleen A. Sternenberg  
Kathleen A. Sternenberg

2/22/19 Rec'd.

1. The GAL shall continue with her investigation. Any request to exceed the fee cap shall be determined by the Court based upon pleadings that may be filed.
2. If the GAL recommends counseling and there is no agreement the Court shall determine the appropriateness of the counseling request.
3. The respondent's allegation that an alleged fee dispute is prejudicial to him has no merit. His request to remove the GAL is denied.
4. GAL's request to continue the final hearing for 60 days is ~~denied~~ premature. A final hearing has not been scheduled. The due date for her report is extended 60 days.
5. Parties shall, in all other respects, cooperate with the GAL so that she may complete her investigation.

So Orlie...  
hereby certify that, to the extent the marital master/judicial referee/hearing officer has made factual findings, she/he  
agrees that, to the extent the marital master/judicial referee/hearing officer has made factual findings, she/he  
has applied the correct legal standard to the facts  
determined by the marital master/judicial referee/hearing officer.

2/25/19   
Julie A. Introcaso  
Signature of Judge

  
Bruce F. Dalpra

**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
CIRCUIT COURT**

**9<sup>th</sup> CIRCUIT-FAMILY DIVISION-NASHUA**

**CASE NUMBER: 659-2018-DM-00414**

**IN THE MATTER OF KSENIYA AUSIAIKOVA AND BRIAN MECKEL**

**MOTION TO EXCEED**

**NOW COMES** the court-appointed Guardian ad Litem, Kathleen A. Sternenberg, Esq., of the Law Office of Kathleen A. Sternenberg, P.O. Box 2288, Concord, NH 03302-2288, and she respectfully requests an additional retainer in order to complete her investigation and in support thereof states as follows:

1. The court appointed the Guardian ad Litem on 12/13/2018.
2. The GAL appointment requests that the Guardian ad Litem investigate and make recommendations on eleven issues.
3. The Guardian ad Litem has, to date, spent \$2,493 of the \$3,000 fee cap. This represents about 21 hours to date meeting with the parties, conducting home visits, contacting references and collateral sources including several doctors for the children, visiting with teachers and staff at the children's pre-school, meeting with references who live with or who are in regular daily or weekly contact with the children.
4. The Guardian ad Litem has not yet completed her investigation, written her final report, or appeared at a final contested hearing.
5. Given the number of issues she is to address, the Guardian ad Litem estimates that she will expend an additional 13 hours to complete her investigation, write a comprehensive report, and appear at a contested final hearing. This will mean that the Guardian ad Litem will exceed the fee cap of \$3,000 by an additional \$1,000.
6. The Guardian ad Litem can not do this work unless she is paid for her services.

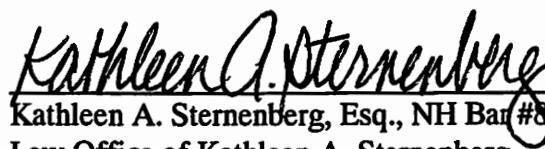
**WHEREFORE**, the Guardian ad Litem requests that this Court:

- A. Allow the Guardian ad Litem to exceed the fee cap by an additional \$1,000; and
- B. Order the parties to pay an additional retainer within 30 days;

C. Make such other orders as are fair and just.

Respectfully submitted,

Date: May 10, 2019

  
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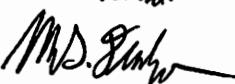
Kevin P. Rauseo, Esq.  
Hamblett & Kerrigan, P.A.  
20 Trafalgar Square, Suite 505  
Nashua, NH 03063

  
Kathleen A. Sternenberg

MASTER RECOMMENDS:

5/30/19  
Date

  
Bruce E. DaPra, Master

Approved and so  
ordered. MARK S. DERBY  
  
MAY 31 2019  
9TH CIRCUIT COURT